

**Mayor's Advisory Work Group: Historic Preservation Ordinance
Minutes of the November 5, 2015 Meeting**

**Stephen P. Clark Center
111 NW 1st Street
29th Floor, Room 29A
Miami, FL 33128**

I. INTRODUCTION – Arva Moore Parks, Chair

Advisory Work Group Members – Roll Call:

Morris Broad	Present
Rodolphe el-Khoury	Absent
Dr. Dorothy Fields	Absent
Neisen Kasdin	Absent
Becky Roper Matkov	Present
Dolly McIntyre	Present
Arva Moore Parks	Present
Stan Price	Absent
Lyle Stern	Present
Ramon Trias	Present

Audience Present:

Kathleen Kauffman, Chief, Miami-Dade County Historic Preservation Office; Mitch Novick, Chair of the Miami-Dade County Historic Preservation Board; Tere Florin, Communications Officer for Regulatory & Economic Resources; J. Bruce Ehrenhaft, Dade Heritage Trust; Margie Amador Robinson, Commissioner's Aide, Commissioner Sally Heyman; Lazaro Solis, Property Appraiser's Office; Jack Osterholt, Deputy Mayor/RER Director; Lourdes Gomez, RER Deputy Director; Mark R. Woerner, Assistant Director for Planning; Jeff Ransom, Archaeologist for Historic Preservation Office; Nathan Kogon, Assistant Director for Development Services; Eddie Kirtley, County Attorney's Office; Dennis Kerbel, County Attorney's Office; Amina Newsome, RER Development Services; and Gianni Lodi, RER Development Services

II. Approval of the Minutes – October 21, 2015

Arva Moore Parks, Chair: Asked members if there were any additions or editions to the Minutes of October 21, 2015.

Becky Matkov: Pointed out a few minor corrections, including her name is spelled incorrectly.

Lyle Stern moved the Motion to approve the Minutes of October 21, 2015 with changes from Becky Roper Matkov. **Ramon Trias** seconded the Motion. Motion was approved by group vote.

Morris Broad	Yes
Rodolphe el-Khoury	Absent
Dr. Dorothy Fields	Absent
Neisen Kasdin	Absent
Becky Roper Matkov	Yes
Dolly McIntyre	Yes
Arva Moore Parks	Yes
Stan Price	Absent
Lyle Stern	Yes
Ramon Trias	Yes

Chair Moore Parks: Would like to thank staff for coming back with many of the items that they asked for and there is one thing missing, but has been told it will be presented at the December meeting regarding how New York and Chicago deal with their multiple ownership issues. Said they will go through the economic incentives first and then will ask for revisions by staff and then talk about the other issues.

ECONOMIC INCENTIVES:

Lazaro Solis, Deputy Property Appraiser, Office of the Property Appraiser, gave a presentation on available Tax Incentives for Historic Preservation: We have been working with staff to see what type of economic incentives we can give property owners some form of tax relief when a property is designated as historic. Currently, Section 196.1997 and 1998 is the one that is most commonly used. It allows residential or commercial properties to get a tax break for ten years on any renovations that are done to the property by abating the County portion, and whatever city they are in, they can pass the ordinance also to abate the city portion's taxes for that improvement or renovation. We have approximately 31 properties in the County's abatement program at this time, representing a savings of \$524,000 in tax savings. Seven properties in the City of Miami Beach are receiving approximately \$34,000 in tax savings for the City's portion, and there are 18 properties in the City of Coral Gables for a savings of over \$28,000.

There is another section of the statute 193.503 that addresses classification. The Property Appraiser is supposed to evaluate properties at its highest and best use, but if a property uses this classification, it directs the Property Appraiser to assess their property at their actual use. It takes into account any limitations that are currently on the property, such as historic designation or any other limitation by zoning or any other governmental agency restriction. Currently, we do not have any properties using this one.

There is another section of the statute that is currently not being used and there is nobody using it that we are aware of with the exception of the City of Coral Gables and that is 196.1961. This applies to commercial properties and non-for-profit organizations for use. Of course it has to have the historic designation and the requirements are that the property be open to the public for 40 hours per week for 45 weeks a year. There is some discussion in terms of what that means and depends on where the property is located. If it is on a street front, there is an Attorney-General opinion that basically states that counts as being open to the public. If the designation is for the interior of the property whether it be the murals or the architecture, then the property would have to be open to the public for that duration of period of time. The way this benefit works is it exempts 50% of the County and City's value, assuming that the City has passed an ordinance for this benefit. The reduction in value which is 50% is only for the portions that are designated historic so if an entire building is considered historic, then 50% of its value is basically removed from the tax roll so there will be some savings there. One of the main concerns is that this is only for commercial or non-for-profit use and does not apply to residential properties such as a single family home or a condominium. However we have researched and it appears that the way the constitution is written, that it gives the legislature some flexibility to modify the statute and expand the benefit also to residential properties.

Chair Moore Parks: So with a lobby effort that may be possible, is that what you are saying.

Lazaro Solis: Correct. When we first started looking at it, we thought it may require a constitutional amendment which would be more difficult to obtain, but based on our attorney's interpretation of the language, there appears to be some flexibility where the legislature can step in and expand the benefit to residential properties as well.

Becky Roper Matkov: Did you say 40 hours a week for 52 weeks a year?

Lazaro Solis: Responded 45 weeks a year.

Becky Roper Matkov: So 45 weeks a year and it would have to be open to the public virtually every day, unless it is just the façade easement and then if it is on the front of a street, then that would suffice.

Lazaro Solis: Responded whatever is designated has to be open to the public.

Becky Roper Matkov: But like buildings on Flagler for instance, a commercially designated building could be up to 50% reduction in County taxes?

Lazaro Solis: In assessed value it translates into taxes. If it is the whole building, including the interiors, the interior would have to be open to the public. Typically commercial properties have some hours of operation. Let's use the courthouse as an example. It's an office building and it has a rich architectural design on the interior. If all that is designated historic, whether it is privately or publically owned, it would have to be open to the public for these hours in order for it to benefit from the reduction value.

Ramon Trias: Questioned why this one is not being taken advantage of.

Lazaro Solis: Explained that for this third one, there is no County ordinance. Only Coral Gables adopted it. The County would have to adopt a similar ordinance in order for people to utilize it.

Lyle Stern: Asked for clarification on how the program works.

Lazaro Solis: Explained that the property has to be designated first. Then the Property Appraiser's office inspects the property. The owners enter into a covenant either with the County, or the City, or both, and for 10 years they will receive the abatement. Even if the property changes ownership, the benefits remain with the property.

Ramon Trias: I think that is very good, but it is a very standard provision that basically every City that has historic preservation program does. There is nothing unique or special about that abatement. It is very standard. I would like to talk about some other good opportunities if we are going to talk about incentives as that is the most common and typical complaint, that there is no real incentive just for being designated.

Lazaro Solis: Correct. The only new incentive that I could offer at this time per the current law would be 196.196, but the County would have to enact an ordinance to be able to use that one.

Becky Roper Matkov: And you said there would possibly be a chance that we could request that be made available for residential?

Lazaro Solis: It is currently limited to commercial properties, so legislative action would be required for it to be expanded to residential. The state statute would need to be amended.

Becky Roper Matkov: But most homes wouldn't want to be open 40 hours a week to the public.

Lazaro Solis: Yes. Now it doesn't mean that you can't request that the requirements be changed you could mirror 196.1997 which is the one that is currently being used. **Becky Roper**

Matkov: That would be fabulous and a huge incentive.

Lazaro Solis: It is something that you would need to discuss with county attorneys and see what sort of benefit you would want to provide to homeowners. For clarification, we consider condominiums residential we don't consider apartment buildings residential, those are considered commercial.

Becky Roper Matkov: So an apartment building just by virtue of people being able to walk into the hallway would that qualify as being open to the public.

Lazaro Solis: If the historic nature of the designation and it's the façade and let's say the common areas then yes.

Jorge Martinez-Esteve, Assistant County Attorney: Represents Mr. Solis. I just thought it might be helpful to the Board to hear the language in the constitution so that you have an idea as to how broad the parameters are:

Article 7, Section 3. of the Florida Constitution says that any County or municipality may for the purposes of its respective tax levy and subject to the provisions of subsections and general law, grant historic preservation and ad valorem tax exemptions to owners of historic properties. This exemption may only be granted by ordinance of the County or municipality the amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law (that means a Florida Statute) and the period of time for which the exemption may be granted to a property owner shall be adjourned by general law.

So you get an idea that it is potentially broad in its scope and it would be up to the Florida Legislature to pass statutes that define the provision. At our level, a county ordinance could adopt 1961 for application to the county taxes and at the state level you can implement something that gave further affect to the constitutional language.

Ramon Trias: Can the County have its own ordinance beyond those requirements independent on what's on the constitution?

Jorge Martinez-Esteve: No, I think Mr. Solis said that with taxes it always has to be authorized by the constitution and then implemented by a state statute. There is no local control over the scope of exemptions.

Mark Woerner, Assistant Director for Planning, RER Department, gave a presentation on the Transfer of Development Rights.

TDR's have been around for a long time in the planning profession since back in the 70s and the 80s, and it is basically used as a tool that the local government can use to protect certain resources, usually those that have some environmental sensitivity like wetlands or forested areas. The Pineland in New Jersey is probably one of the best examples where they were trying to protect a large conservation area, and the idea was to transfer those development rights to other areas so that those lands could be saved. They are also used to protect agricultural and historic resources, and it is basically market driven, all for the purpose of trying to protect certain resources. So it involves sellers with their available development rights, and it involves people that are on the receiving end, who are trying to buy those rights for their benefit to increase density or for some other purpose that has been stated

Sending Areas: In terms of historic structures, a property owner relinquishes certain development rights in exchange for monetary compensation. Typically it is applied to properties in areas with significant development pressure; and the TDR program defines what types of historic properties are eligible. In Seattle, they define that the focus is on historic

theatres. There is some sort of deed restriction that is placed upon that property to ensure that the historic structure is always maintained. In other words if they are giving up their future development rights or this increment of rights that they have, it has to be assured that it stays historic forever and the unused development rights become a marketable commodity. To put this thing into motion between the sellers and the buyers, in most cases it is what we call a concurrent process. There are sellers out there with their units to sell and there are buyers out there, and the market just works, there is no government intervention involved at all, but the difficulty is sometimes finding and connecting the sellers and the buyers.

The 2nd option is to create a TDR bank which usually involves a government entity getting involved. In Washington State, they have a TDR program for agricultural or environmental preservation. To jump start their process, they created a bank and monetized the bank with \$1.5M dollars. In the end they haven't actually purchased much agricultural land since the 1980s. These programs seem to start out big and strong, but may not stay strong, and that can be due to market forces and a lot of other issues.

Receiving Area: That's where the buyers are, on the receiving end. This is the area where some maximum already exists and is permitted on the property and through the purchase of these TDRs, they get some increment of density increase or some other incentive.

Becky Roper Matkov: It wouldn't be just a density issue, could it be for parking waivers or for anything else?

Mark Woerner: Typically the most valuable thing is what that developable potential is for a site. But it could be something else. If there is no demand, it won't be a successful program.

We have looked at the City of Miami's TDR program and the City of Coral Gables. In the City of Miami, their TDR program places a restrictive covenant on a sending site to ensure that the historic structure is retained. It is a concurrent system so there is no bank involved, just buyers and sellers working out the price, set by the market. It requires a maintenance and preservation plan for the sending site, you can't go through the program and let the property deteriorate. The City of Coral Gables is very similar; their sending and receiving site is all within the central business district in the North Ponce area. It is a concurrent system as well, but it maintains this eligible list of sites where the receiving site can have a density increase 25% above whatever the base zoning is for the property is, and again there is a requirement for a maintenance and preservation plan. Basically what happens is the seller's right to develop unused capacity is severed forever. Once that is sold it is gone and off the property. So for example, if it is an agricultural parcel and they would be allowed two units per 10 acres, when they sell the rights to those two units, it's gone.

Lazaro Solis: Asked if you can buy back TDRs at some point in the future.

Mark Woerner: Depends upon what system you set up. Most of them are severed for good, but there can be variations of it.

Ramon Trias: Well, the point of this is to preserve the building, if you can buy it back then it becomes sort of pointless.

Lazaro Solis: I guess my question would be, in the City of Coral Gables, if heaven forbid a historic building burned down and it had sold its historic rights, could you not develop the site? You couldn't buy back development rights in the future?

Ramon Trias: Well once the building is not there, preservation issues are no longer applicable.

Neisen Kasdin: All cities that I am familiar with work very much like what Mark is talking about. For instance, in the City of Miami's MiMo district you put a restriction on your property and those development rights are taken off that property forever and possibly conveyed to another property. If there is a market for it, it can be effective.

Ramon Trias: But the real practical issue is that most of the time it is the same property owner that is transferring properties to and from their own property. For example, there is a property under construction right now which is a mixed-use project, it is using TDRs but the TDRs were from properties owned by the same developer. They just transferred the development rights without having to get into buying and selling.

Mark Woerner: So obviously there are some benefits and opportunities in the marketing sense as an approach which provides a balance in turn for preservation; it allows the owners of some properties to get some value out of their historic property; and it ensures a protectoral issue on the property; the proceeds of the sale can be put back into restoring and maintaining the historic structure itself and under the current concurrent system the TDRs allow for historic preservation without having a TDR bank created and going through that process.

Neisen Kasdin: Mark there are two things that are very important; in the jurisdictions where the zoning for the receiving areas are already so great, you really undercut the need for any TDRs. It has to be a system where the TDR's really have value and then it becomes market driven. When the MiMo district was first being redone, the market was hot again and there was a big demand for TDRs and now there isn't. The TDRs were very helpful in preserving the MiMo buildings and it worked well there. Today, with the change in the market it might not.

Becky Roper Matkov: As I understand it, the MiMo district qualified for 2 ½ times what other areas were getting for TDRs and I think it was a great incentive to the MiMo district. The Vagabond got a lot more than a straight one to one ratio.

Mark Woerner: These can be as simple or as complicated, as effective or ineffective, depending on how you structure it.

Ramon Trias: The Coral Gables bottom line in terms of development, you get a 3.5 ratio maximum in the downtown then the TDRs allow for a 4.75 more or less. So you get an additional bulk for the building and it is very clearly defined but that is only if the additional TDRs make sense for the vision of the city.

Neisen Kasdin, Esq.: I am a fan of TDRs and feels that they are an effective tool when you add preservation to it. I think pursuing it on a more countywide scale would be good, but also remember we are dealing with a county ordinance that has jurisdiction in other municipalities. The cities control their own FAR and the cities control the TDRs and you can have a TDR program, but if the city doesn't allow that FAR or density, it is meaningless.

Severable Use Rights – Nathan Kogon, Development Services, RER, gave a presentation on Severable Use Rights: I think you have hit most of the points and struggles with the program, but the County does have a TDR-type program and it is called the Severable Use Rights program, adopted in 1982. It was to protect the East Everglades - the closest part of the Everglades towards the inhabited county areas.

The idea was that there were certain rights that the owners had, but we had identified the land as environmentally critical. The idea was to prohibit development out there without violating those developable rights, so we converted those rights into the TDRs. At the time, the County created approximately 4,000 TDRs in 1982, and as Mark said it started with the boom and people started selling them in the private market, transferring them inside the UDB, and most of those TDRs were developed as a single family.

So if you were developing a 10 acre property of single family units you could go buy two extra units; we had a variance that was administratively approved to shrink the size of the lots in order to squeeze in those extra units. That worked well for a time because you had a huge unincorporated area and you had a lot of low density land use. As time progressed, the availability of land decreased and there was a lot of up-zonings over urban centers, creating a lot of density mainly along our transit corridors which already gave the right, so the value of that TDR dropped dramatically and we've only used about ¼ of them in the County.

We recently passed an ordinance to allow those transfers into municipalities. The municipality would have to come up with their own mechanism in conjunction with the County, but we are finding that people were not taking advantage of those TDRs. I think to get something like that to work on historic preservation, the value of that unit or transfer needs to be adjusted yearly and to compare it to the current density allowed within the municipalities and the unincorporated areas.

Becky Roper Matkov: If you don't increase density, then the TDRs would be a lot more valuable, and then historic properties would become more valuable.

Nathan Kogon: One option, another option would be to increase the value of that TDR. In the County it is currently one for one. If you have one TDR you can build one unit. Maybe if

you make it lucrative and it would equals more units, but of course you need to have those receiving sites.

Dolly MacIntyre: Thanked all of the presenters for wonderful presentations and for making this technical information so easy to understand. It will be shared with others.

Chair Moore Parks: I think that the clear message from this is that we need to have an educational program to teach the citizens of Miami-Dade County and all of the areas as to the incentives that are available to them. Thanked all of the presenters.

Dennis Kerbel, Esq., Assistant County Attorney, made a presentation on Impact Fees:

If TDRs are not always a silver bullet, then impact fees really are not and here's why... There's this idea that impact fees are this secret pot of money that you can get access to, and do all types of things with it, and unfortunately they do not work that way. There are some real constitutional limitations on the use of that money. The fees are designed to offset the impacts on the overall service facility system of a new development. Road impact fees would be the easiest example. You're building a project and your project is going to have an impact on that roadway and the surrounding roadway network, and so you have to pay to offset the impacts of that project. The money can only be used for capital projects that will offset or mitigate those impacts. So it can be used to build and widen roads, or for other types of capacity improvements like turn lanes, mass transit to new areas near the development.

To have impact fees related to historic properties would be an interesting challenge; you would have to show - and this would take a great deal of data and analysis from professional staff, because this is how they were developed in the first place - you would have to show the impact of that new development on a historic property in order to charge the developers some kind of fee to offset the impact of their project on those historic properties. But it is not easy and the question would be, what would that money be used for? It would have to be tied into the areas that were affected. The Supreme Court has recently reiterated there has to be a nexus between the impact of the project and the exaction (or fee) that the government imposes and there has to be a rough proportionality between the impact and the exaction. So you may be able to establish this on the roadway network, where you are asking \$10M from the developer, but that has to be actually proportional with the exaction for that particular project. So those are the guiding principles behind impact fees.

Becky Roper Matkov: How does this tie into the affordable housing funding?

Dennis Kerbel: Affordable housing is a little bit different because there is usually some government/public intersection where there is a public program that runs it, and one way of looking at it is whether the money being used for affordable housing is offsetting the impacts.

Board Member, Becky Roper Matkov: So where does the money go from the developer to the affordable housing? Is it the County? Or is it a pot of money that somebody else holds?

Dennis Kerbel: Actually the way it has been working in the County, it is mostly through a rebate of the impact fees. So to encourage the development, we have given some rebates or we say that affordable housing projects are exempt from paying the fee where the private developer at market rate would have to pay the fee. So it is quite not the same analysis. I will say that what Kathleen had come up with for the Continental case, was a clever way to utilize sort of an impact fee idea to offset the proposed development, (but which the Board ultimately rejected) the proposed redevelopment of the Continental to keep some of the historic features of it, and they were to create a mitigation fund to then be used to facilitate the preservation of other historic buildings in that area. That's an idea which I think would be permissible to be researched further and the concept of it may be a better solution.

Becky Roper Matkov: When you say the board did you mean the County Commission or do you mean the Historic Preservation Board?

Dennis Kerbel: The historic preservation board rejected the compromise, so that one ended up going to the County Commission as an appeal.

Becky Roper Matkov: So our historic preservation board for the County turned that idea down.

Dennis Kerbel: Yes, because it was part of a package offered for mitigation. . They had previously approved the preservation outright, then they rejected the compromise to allow any redevelopment of it; and the mitigation fee was part of that compromise. So ultimately the board ordered for complete preservation, and that got appealed to the County Commission and the County Commission rejected preservation in that appeal.

Dennis Kerbel: Impact fees are not like the transfer of development rights, it is a fee that is imposed on a developer and probably there is going to be more push-back as there always is when there are fees involved.

Neisen Kasdin: Even if you got that fee, I think that the fees collected, like those parking impact fees on Miami Beach that haven't yet built a parking garage. There just is not enough money from them to do what you want to do.

Dennis Kerbel: A city and county coordination would be needed to see whether it can be used countywide, and that would mean that you collected the fee from someone else, say, in Aventura, but you could use it to preserve something else like Richmond Heights; geographically they are not in the same area but you may be able to justify that because you are one community.

Neisen Kasdin: You are talking about using the fees more for let's say particular sites or landmarks that you need funds to preserve. There you may have more utility, but on a wholesale basis it is not going to amount to anything.

Dennis Kerbel: I mentioned [the Continental case] because it was a unique idea for a unique project and a unique area. I'm not sure how much broad of an application it has, but just wanted to put it out there for consideration because it is an offshoot of impact fees and the mitigation has less constitutional or less fraud ethic in which to tie them together.

Becky Roper Matkov: So your assessment is that if we wanted to get funding for a preservation fund to help with historic properties throughout the County, impact fees probably would not be the way to go?

Dennis Kerbel: That probably not the first way I would do it.

Lyle Stern: We have worked on many deals that required impact fees, and there were historic structures that were built with limitations and appropriately so, but the impact fees were associated with changing the use (to bring in a retailer or coffee shop from what was there originally, and in a historic district). You can imagine the impact in rehabilitating a historic structure when you have a change of use like that, and you're trying to bring in commercial revitalization into an area, and that can be a significant speed bump.

Becky Roper Matkov: So if it is a historic building maybe they shouldn't have to pay impact fees then.

Dennis Kerbel: That's like the affordable housing issue, whether or not we can give you a rebate to encourage development. Abating impact fees to encourage you - you can't really use it for social engineering purposes, the impact fees is to pay the impacts of redevelopment and if you start to give rebates and exemptions from it you lose proportions on it and then you run into the question of why would other people have to pay it.

Lyle Stern: In areas that we are trying to see redevelopment that are filled with historic structures, the redevelopment change of use is expensive and a big piece of the impact fee. It is a threat and it prevents, or at the very least, slows down the desire to restore historic structures; it's something to consider. The impact fees are substantial between the road fees and the change of use fees, to put in a restaurant, with water and sewer is very expensive to do.

Dennis Kerbel: Part of the problem was that they were low for so many years in comparison to the actual cost of putting in infrastructure, and so as the years go by, they have increased and we had to catch up with those hard numbers which had not been updated for a while. So that is a unique challenge and we can look at it some more, but I would say that the idea of creating a new impact fee is probably not the way that you want to go, given the issues that we have with the existing one.

Lyle Stern: That is one really good economic tool, to put a moratorium on impact fees in a designated area for a period of time until it sunsets.

Dennis Kerbel: I have to look at that and whether it is constitutionally allowed. That use to be done in the past, but not sure if that survives scrutiny because we still have to show the right proportionality.

Dolly MacIntyre: Is there something that is not called an impact fee that could help historic neighborhoods?

Lyle Stern: I think that Miami Beach did it for the impact fees on hotels on Washington Avenue with the new overlay.

Neisen Kasdin: Those are actually not impact fees.

Becky Roper Matkov: They just changed the name but there is case law in what can or cannot be used as impact and how it can be assessed or not assessed and what you can use it for and that is a whole discussion. The City of Miami Beach has a fee in lieu of parking. Now in the historic district, you can pay the fee in lieu of providing the parking.

Jack Osterholt, Deputy Mayor/Director: There is a way of using these impact fees as an economic tool. Austin Texas decided they wanted to have more clubs with live music so they said in the downtown area that anyone that did this they could build, and then they went scot free without paying fees. We couldn't do that here; we looked at a targeted area to see how it would work, and you got fees and taxes and other things, and Dennis here was making me crazy, and so we forgot about the whole thing.

Dennis Kerbel: Yes, I killed live music.

Jack Osterholt: I think there are a range of issues about how you evaluate the value, and it is an important thing to think about. TDR's are a great idea as long as you realize they are a rollercoaster. So there aren't any silver bullets that we know of.. The value of redevelopment of the historic structures in Little Havana was only because of their value. They were properties that could be redeveloped and they were worth so much more money as a redeveloped set of offices for lawyers and accountants than they were as declining residential properties.

Mayor Carlos Gimenez walked into the room and thanked everyone for their participation and knows that this is a very contentious subject, but we want to make sure that our regulations are the right ones and that all sides are looked at, and that we have a fair process. He wanted to come in and say thank you, and that the recommendations that come out of these meetings will be taken to our board if we have to make changes, and feels we will have a better process at the end. Thanked everyone again and asked if Arva was Chair. Said that the panel was in good hands and that we will see what happens when we get all the recommendations.

Chair Moore Parks: Thanked the Mayor for stopping in. Noted that impact fees have nothing to do with preservation, but it is something we learned. I live in the Brickell area and the impact fees were being spent in other places and our neighborhood association became very aggressive when they were being used in Aventura. So we made it very clear that the area that was

impacted needed to get the fees. Feels that most of the problems is due to additional traffic, so an impact fee to mitigate traffic in historic areas seems like it would work.

Neisen Kasdin: Stated that he needed to leave but wanted to say two things. The first would be getting to the specific changes to the ordinance, and would like to defer this to the next meeting. Still feels that we need to take a swing at the big picture. He would like to invite planners, the APA, and possibly have two guests from the Urban Regional Planning Council come discuss how preservation interacts with those areas. Feels we need to hear from the architects as well who work on a daily basis and who design the projects that either use or don't use historic preservation and what they see, and we need to hear from economists to understand how it all works together, like Andy Dolkart and Paul Lambert and others, who can see the economic impacts on all sides of it, the benefits and the detriment of it. Feels we need a session on how preservation fits into the big picture. Thinks at the national level this conversation is getting vigorous even at the National Trust.

Becky Roper Matkov: I agree with you that it's great to broaden the scope. I had a wonderful conversation with Avra Jain on Tuesday at the preservation board for the City of Miami, and I think it would be helpful to have someone that has done a lot of preservation projects and can address the problems and challenges and what should be changed about the way government works to help preservation developers that really wants to do something economically good for the community to make it a smoother process. Right now when you hear some personal stories of someone who is trying, with a lot of experience, and the issues that they encounter and thinks it would be great for her to come for others to hear.

Chair Moore Parks: That will work out fine, but I think what we are doing, Neisen, today is that we are not going to vote on anything we are reviewing and learning and feels we learned a lot with what happened this morning already.

Neisen Kasdin: Sorry but I would like to put my ideas on the table because I have to leave. A couple of things that he would like the panel to consider. In the ordinance, in the declaration of legislative intent, it talks about a matter of public policies. Other items that should be considered are community and regional planning, and economic objectives including housing, employment and transportation needs all which are critical for the community. I also think that we need to consider municipal comprehensive development master plans and the interface with that as well as economic hardship.

Chair Moore Parks: Said that economic hardship is already in there.

Neisen Kasdin: The overall benefits of the community should be considered with new development vs. preservation. One final thing is that on the board membership, I agree to have an engineer (which is good) but think that we need to add a developer. Because they are familiar with the technical issues and feels these are the type of categories that the panel should be looking at.

Chair Moore Parks: Neisen can you put this in writing so that we will have it for discussion when we get around to the final. I said to finish meeting at 10:30, but Kathleen if you can give us a quick list of the proposed revisions by staff that would be appreciated.

Chief Kauffman: Responded back to Chair Moore Parks by stating that she would give the board a brief presentation as to Staff's revisions.

Ramon Trias: Asked if Staff had any issues with the topics that were just discussed and do you think that staff would be agreeable with them?

Jack Osterholt: Well it is hard to know that at this point without digesting it.

Chair Moore Parks: I think that perhaps since it is 10:30 a.m. and we did say that we would end at 10:30 for us to take this with us since we have it in writing. If Neisen could send it in relatively soon and be sent to us so that we can see before the next meeting we can view it ahead of time.

Lourdes Gomez, Deputy Director: You indicated that you wanted research from Chicago and New York. Are you taking into consideration Mr. Kasdin's suggestions regarding the presentations for next time? Do we try and get people from the APA, AIA, and economists?

Ramon Trias: I am little bit opposed to this. This is not a conference on all these different things. The panel was supposed to review the preservation ordinance. I am an architect, and a registered Planner, and I can bring those perspectives in if need be, in the conversation. We don't need presentations by somebody that is an expert in those areas.

Vice Chair Broad: Do we know the length of time that this body is going to be involved? In other words, we have a meeting on December 3rd the first Thursday, how long is this going to continue before we get to some of the substance that really need to be addressed?

Lourdes Gomez: Well that's really up to you.

Ramon Trias: I think that the staff gave us really good background today and I think that we are ready to discuss some of the issues next time if you are able to give us your recommendations and ideas.

Vice Chair Broad: Yes, because there are some substantial issues that staff has put before us, including term limits, including relegating preservation jurisdiction to the municipalities, and permit them the opportunity to participate. There are some things here to me that I see need to be addressed. The question is do we address them on December 3rd or January 3rd or February 3rd or March because I know the charge from the Mayor was to get going on this.

Jack Osterholt: Madam Chair if I may, we were given advice by the Mayor and by one of the Commissioners not to sit here and try to sell you on the changes, but to provide you with a

platform of information that you can use and then you can decide if you wanted to amend the ordinance.

Chair Moore Parks: Well I think we have learned a great deal this morning even though of some of us are already very involved in preservation and feels that the learning process is key before we start making decisions.

Becky Roper Matkov: And I think that it is important to look at a big picture and I think that is what we are trying to do and it is not just about the composition or the actual details of how the board is structured, but what can we do to improve the state of historic preservation and the County and feels that is what we should be doing.

Chair Moore Parks: I think there is one more issue that I would like to be presented to us and that is the Federal guidelines for receiving money and how your ordinance has to meet some of the federal guidelines and I think that municipalities have to understand that.

Jack Osterholt: Staff is here to respond to any way you would like us to respond.

Chair Moore Parks: I think that it is important to have an understanding as to the Federal rules as to they relate to the County Ordinance and that has not been discussed yet.

Ramon Trias: Madam Chair may I add something? I agree, and I think that in the profession of preservation, they have to explain to the public the processes a little better, but I think that those are little things and feels that the big picture of this discussion is fundamental. I think we need to talk about the big picture and feels that staff has done a great job in not trying to sell us on their ideas, and I am not concerned about that at all. At the end of the day, the expectations for development of certain properties is different than what the historic buildings are, and maybe that needs to be revisited because at some point we need to think about the more current issues, like transportation and sea level rise. I think that Jack and his staff are very capable and thinking about that in making some type of presentation in terms of what the vision is of the County and vision (by vision I mean the comp plan documents) in terms of what plans actually spell that out.

Lourdes Gomez: Maybe Mark can help with that kind of presentation that you've just described, but I will say one of the things that staff had not addressed was this issue of economic incentives, and that is such an important issue that you had raised. That was really outside the scope of the code language that we have been reviewing in those nine months, and we are glad you brought it up. So we will do the New York/Chicago information and staff's presentation on the comp plan, guidelines on grant eligibility, and then we can carry over the other items for January, because I think you are going to be pretty full for the December meeting.

Chair Moore Parks: The Chicago/New York information is the next most important thing that we need to learn. So let's go back to Neisen's suggestions. What do you think about that?

Ramon Trias: I think that if we have some individuals that are qualified, that would be great until we know who is ready to make that presentation then I don't know how to take the next step.

Lourdes Gomez: We can carry that over to January. Hopefully when you get a moment to read our list here, it will give you even more ideas to discuss next time.

Chair Moore Parks: Well I think that if we get Neisen's suggestions in writing, that will help give us a background, but certainly we do not need presentations from so many people. I think what we are talking about is a County ordinance. We are talking with County people. So maybe we can set a goal for making some recommendations by January. Do you want anything else to come before the Board today?

Lyle Stern: Do we want to look at extending the December meeting from 9:00 to 11:00 a.m.

Chair Moore Parks: Agreed it was a good idea.

III. NEXT MEETING: December 3, 2015

IV. ADJOURNMENT

Arva Moore Parks, Chair adjourned the meeting at 11:00 a.m.